

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

**ASHEVILLE DIVISION**

<b>JANE ROE,</b>	)	
	)	
<i>Plaintiff,</i>	)	
	)	
<b>v.</b>	)	<b>Civil No. 1:20-cv-00066</b>
	)	
<b>UNITED STATES OF AMERICA, <i>et al.</i>,</b>	)	
	)	
<i>Defendants.</i>	)	
	)	
	)	
	)	

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**PLAINTIFF’S MOTION FOR EXTENSION OF TIME TO RESPOND TO  
DEFENDANTS’ MOTIONS TO DISMISS**

On behalf of Plaintiff Jane Roe, the undersigned counsel hereby moves the Court for an extension of time of:

- (1) fourteen (14) days to respond to the Motions to Dismiss filed by individual capacity Defendants Sheryl L. Walter, James N. Ishida, and the Hon. Roger L. Gregory, until and including July 3, 2020; and
- (2) eleven (11) days to respond to the Motions to Dismiss filed by official capacity Defendants United States of America, Judicial Conference of the United States, Administrative Office of the United States Courts, United States Court of Appeals for the Fourth Circuit, Judicial Council of the Fourth Circuit, Federal Public Defender for the Western District of North Carolina, the Hon. Roger L. Gregory, the Hon. Roslynn R. Mauskopf, James N. Ishida, James C. Duff, and Anthony Martinez, in his official and individual capacity, until and including July 3, 2020.

In support of this Motion, Plaintiff shows the following:

1. Defendants filed a total of five (5) Motions to Dismiss. ECF Nos. 36, 38, 40, 42, and 44.
2. Defendants' filings include a total of 122 pages of Supporting Memorandums. ECF Nos. 37, 39, 41, 43, and 45.
3. Defendants raise a number of arguments in their briefs, including CSRA preclusion, new *Bivens* context, absolute and qualified immunity, sovereign immunity, failure to exhaust administrative remedies, judicial "policies" as factors barring judicial review of constitutional claims, lack of personal involvement by individual Defendants, and failure to allege due process or equal protection violations, among others.
4. Defendants' arguments frequently overlap, *see, e.g.*, ECF No. 37 at 11–13 (asserting a "new context" defense to *Bivens* claim) and ECF No. 45 at 8–9 (asserting that Plaintiff "negotiated" a resolution to her EDR complaint and failed to exhaust her remedies), but also contain variations applicable to specific Defendants, *see, e.g.*, ECF No. 41 at 20–22 (asserting absolute immunity on behalf of the Hon. Roger Gregory) and ECF No. 43 at 5–7 (asserting sovereign immunity on behalf of official capacity Defendants).
5. Defendants' arguments are often brief, *see, e.g.*, ECF No. 37 at 24–25 ("Plaintiff's claims under [42 U.S.C. §§ 1985(3) and 1986] fail to allege all elements of the causes of action, . . . are impermissibly conclusory, . . . barred by the intercorporate-conspiracy doctrine, . . . and precluded by the CSRA, . . . ." (citations omitted)) and ECF No. 43 at 2 (asserting that Plaintiff failed to allege any property interest to support her due process claim or that Defendants acted with discriminatory intent for purposes of her equal protection claim), requiring more explanation to respond to Defendants' Motions to Dismiss.
6. Plaintiff respectfully asserts that an extension of time is necessary to fully and efficiently address Defendants' arguments in support of dismissal.

7. Plaintiff respectfully asserts that granting her additional time to address Defendants' arguments will promote judicial efficiency and aid the Court's review of the issues in this case.
8. For all of these reasons, the undersigned hereby moves the Court for an extension of time to respond to Defendants' Motions to Dismiss, until and including July 3, 2020.
9. Pursuant to Local Civil Rule 7.1(b), the undersigned has consulted with Defendants' Counsel before filing this Motion. Defendants' Counsel consent to Plaintiff's request for an extension of time.

WHEREFORE the undersigned hereby moves the Court for an extension of time for Plaintiff to respond to Defendants' Motions to Dismiss, ECF Nos. 36, 38, 40, 42, and 44, until and including July 3, 2020.

This the 9th day of June, 2020.

Respectfully Submitted,

/s/ Cooper Strickland  
Cooper Strickland  
N.C. Bar No. 43242  
P.O. Box 92  
Lynn, NC 28750  
Tel. (828) 817-3703  
cooper.strickland@gmail.com

Counsel for Plaintiff

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 9th day of June, 2020, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Gill P. Beck at Gill.Beck@usdoj.gov

Caroline B. McLean at Caroline.McLean@usdoj.gov

Joshua M. Kolsky at Joshua.kolsky@usdoj.gov

Shannon Sumerall Spainhour at mss@dhwlegal.com

And I hereby certify that I will mail the document by U.S. mail to the following:

John Doe(s)  
c/o Office of General Counsel  
One Columbus Circle NE  
Washington, DC 20544

/s/ Cooper Strickland  
Cooper Strickland  
N.C. Bar No. 43242  
P.O. Box 92  
Lynn, NC 28750  
Tel. (828) 817-3703  
cooper.strickland@gmail.com